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NEWS FROM MONTANA'S CAPITOL  
SEPTEMBER 1988  
Volume 2, No. 14

A Publication from the Office of the  
Coordinator of Indian Affairs

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NATIVE AMERICAN DAY  
September 23, 1988

On August 29, 1988 Governor Ted Schwinden, signed a proclamation designating September 23, 1988 as Native American Indian Day. The proclamation states:

WHEREAS, the history and culture of Native American Indians is an integral part of the folklore and history of the nation and the State of Montana; and

WHEREAS, the Native Americans' traditional relationship with the elements of nature is increasingly acknowledged and respected in these times of growing awareness of our natural environment; and

WHEREAS, the Legislature recognizes that all Montanans have an invaluable opportunity for cultural enrichment through contact with the folkways and philosophy of Native Americans; and

WHEREAS, sharing the views and beliefs of Native Americans would contribute to better understanding of their unique background; and

WHEREAS, Article X, Section 2 of the Constitution of Montana recognizes the distinct cultural heritage of Native Americans and is committed in its educational goals to the preservation of their cultural integrity; and

WHEREAS, the state of Montana contains the fourth largest Indian population of the several states of the United States; and

WHEREAS, it would be appropriate for all people of Montana to reflect on the contributions of Indian people to this State and this nation; and

WHEREAS, the Legislature of the State of Montana has resolved that the Governor of Montana be encouraged to designate each year the fourth Friday in September as "Native American Indian Day."

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, do hereby proclaim September 23, 1988 as

NATIVE AMERICAN INDIAN DAY

in Montana.

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NEWS FROM WASHINGTON

NATIONAL AMERICAN DAY

Indian News, Vol. 12, No. 15, August 5, 1988

The U. S. Senate July 26 passed by voice vote a joint resolution to designate September 23 to 30, 1988 as National American Indian Heritage Week. Senator Richard C. Shelby (D-Ala.) who introduced the resolution, said on the Senate floor



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before the vote, "The American Indians made it possible for our forefathers to survive in a totally unfamiliar land. Furthermore, the native American made numerous contributions to the United States of America as we know it." The resolution now goes to the House for action.

NEWS RELEASE - DEPARTMENT OF THE INTERIOR  
Bureau of Indian Affairs, July 27, 1988

COST COMPARISONS FAVOR CONTRACTING OF INDIAN TRUST FUND MANAGEMENT

Assistant Secretary for Indian Affairs Ross Swimmer has informed Indian tribal leaders that almost \$3 million could be saved over a five-year period by using a private contractor for services to strengthen internal management and administration of more than \$1.8 billion in Indian trust funds.

The \$3 million figure was arrived at in cost comparisons between the proposal of a selected bidder and an in-house Bureau of Indian Affairs (BIA) proposal. The study by an Interior Department interagency committee and three tribal consultants estimates that the cost over a five-year period would be \$21.2 million if conducted by a selected bidder and estimated expenditures of \$25.2 million by the BIA. A difference, or saving to the government, in the two proposals is \$2,996.376 after a conversion differential of \$980,000 is added to the contractor's cost

Results of the comparison studies were announced in a July 25 letter from Swimmer to all Indian tribal governments. "This is an effort to continue our consultation process with tribal governments in every step that we are taking to improve the management of Indian trust funds," he said.

BIA opened competitive bidding on proposals last February to procure collection, accounting, advisory investment services and custodial services for funds held in trust for Indian tribes, individuals and others. The more than 300,000 accounts represent land claims or damage awards, income from trust lands, oil and gas revenues, timber sales and the like. Bidding for the contract was open to all financial institutions for the single contract to run for one year with four one-year renewable options.

Final determination for the contract award will be made after completion of a 30-day review of the cost comparison and the selected contractor's successful completion of the Operational Capabilities Demonstration site test.

Swimmer told the tribal leaders that when this process has been completed, he would advise them of the selected contractor and provide them an opportunity to review the proposed terms of the contract which will include an implementation schedule for the trust services program.

LEGISLATION CREATES INDIAN HOUSING AUTHORITY  
American Indian Report, Vol. 4, No. 8, August 1988

President Reagan recently signed the Indian Housing Act of 1988 which creates a separate program for Indian housing within the Department of Housing and Urban Development. The act mandates that HUD provide funding for Indian housing.



In the past, funds were administered for Indian housing through the Public Housing Act of 1937 which applies mainly to low income housing in urban communities.

HUD has published proposed regulations governing the management and operation of programs to be administered by the newly created Indian Housing Authority. The 68 page text is contained in the June 29 Federal Register, No. 125, pp. 24554-24622.

This legislation will "make it more difficult to do away with Indian programs by whittling the budget," said Virginia Spencer, a spokeswoman for the National American Indian Housing Council.

Peter MacDonald, chairman of the Navajo Tribe, hailed the bill as a major legislative victory for American Indians.

Despite the widespread support of the legislation, Congress has targeted Indian housing programs for a 50 percent cut this year; from \$144 million in FY 1988 to \$71 million in FY 1989.

According to the American Indian Housing Council, more than 93,000 Indian families in the U.S. need housing. During the 1988 fiscal year, available funding allowed the construction of only 1,700 HUD houses.

SWIMMER URGES BIA EMPLOYEES TO COOPERATE IN SENATE PROBE  
American Indian Report, Vol. 4, No. 8, August 1988

In a memorandum to Bureau of Indian Affairs employees, Interior Assistant Secretary Ross Swimmer said employees, should cooperate fully with the Special Senate Committee investigating alleged fraud in the BIA and other federal agencies involved with Indian programs.

Any employee who meets with the Special Committee will be protected against reprisal or adverse personnel action by their supervisors or the Department of the Interior, Swimmer said.

The Senate panel, which was formed in response to a series of articles in the Arizona Republic, is headed by attorney Kenneth Ballen.

Employees do not need permission from their supervisors to meet with the committee, but anyone with questions about their testimony before the committee should consult an attorney, Swimmer said.

SWIMMER WANTS TO RELAX INDIAN HIRING PREFERENCE AT THE BIA  
American Indian Report, Vol. 4, NO. 8, August 1988

Assistant Secretary for Indian Affairs has called for a relaxation of the law requiring the Bureau of Indian Affairs to give preferential hiring to Indians. In an interview with the Washington Times, Swimmer said the BIA does not have enough qualified Indian candidates for the jobs open at the agency.

Swimmer said there are 100 vacancies among the 400 positions at the BIA's Washington headquarters. Several senior-level positions paying more than \$60,000 annually have been open for more than a year, Swimmer said. Congress has mandated







that the BIA give preference to Indians in filling job vacancies. This law has been upheld by the courts.

#### UDALL BALKS AT GAMING BILL

American Indian Report, Vol. 4, No. 8, August 1988

Arizona Congressman Morris Udall said he will fight passage of a controversial gaming bill that gives states partial jurisdiction over some forms of Indian gambling.

The Senate Select Committee on Indian Affairs has recommended passage of the bill, but the National Congress of American Indians is against it. Udall is also urging Congressional representatives to vote against it.

Under the bill, tribes would be required to sign compacts with states to operate newly-defined Class 3 games such as horse and dog betting, blackjack and electronic game betting such as slot and poker machines.

#### PROPOSED AMENDMENTS TO THE INDIAN CHILD WELFARE ACT

American Indian Report, Vol. 4, No. 8, August 1988

Controversial legislation to amend the Indian Child Welfare Act of 1978 faces opposition from a number of groups -- from the Reagan Administration to state and private adoption agencies. The new bill would incorporate many important changes in the Indian Child Welfare Act, but because of the widespread opposition, certain sections are likely to be revised before passage. A summary of some of these provisions follows.

Section 2(6) adds a new paragraph into the Congressional Findings acknowledging that the BIA has "often failed to fulfill its trust responsibility to Indian Tribes" by failing to advocate the position of the tribes in adoption proceedings and failing to seek the funds necessary to implement the Act.

Section 3 would expressly protect the right of Indian children to develop a tribal identity and to maintain ties to the Indian community. This section enlarges the tribes ability to intervene in adoption proceedings, curtailing not only state jurisdiction, but also parental choice in the matter.

Section 4 expands the meaning of "child custody proceedings" to include Indian children even if they have not lived in Indian Country, in an Indian cultural environment or with an Indian parent. This section also makes it clear that the ICWA is to apply in voluntary proceedings (when the parents freely give the child up for adoption) as well as involuntary proceedings.

Section 4(5) greatly expands the definition of an Indian child. The current law defines an Indian as: (1) a member of an Indian tribe, or (2) eligible for membership and the biological child of a member. The proposed bill would consider a child or infant to be an Indian child if he or she is of Indian descent and considered by an Indian tribe to be part of its community, or if either parent is considered part of the tribal community.



The phrase, "part of the tribal community," has not been defined and many non-Indian groups fear that tribes will define their community to include children or parents who have lower Indian blood quantum than required for membership.

Section 102(g) attempts to compensate for cultural differences which in the past have led social workers to conclude on the bases of substandard living conditions or other discomforts that Indian parents could not adequately care for their children.

Evidence that shows only the existence of poverty, crowded or inadequate housing, alcohol abuse or non-conforming social behavior is not sufficient to terminate parental rights, according to the language in the bill.

Although the bill attempts to clarify certain issues and assure a greater compliance with the intent of the Indian Child Welfare Act, the controversy it has generated indicates that there will be a number of revisions before Congress will pass it. (Information from the law firm of Hobbs, Straus, Dean & Wilder, Washington, D.C.)

#### TECHNICAL CHANGES TO INDIAN PREFERENCE RESOLUTION

American Indian Report, Vol. 4, No. 8, August 1988

The Department of Housing and Urban Development has issued final regulations which make technical changes to existing Indian preference regulations.

The changes correct inadvertent omissions in the December 4, 1986 regulations and do not change the intent of the regulation. See the June 30 Federal Register, No. 126, P. 24684.

#### HUD INCREASES INSURANCE EXPENSES

American Indian Report, Vol. 4, No. 8, August 1988

The office of Public and Indian Housing has published an interim rule increasing the expense level for insurance by \$8.45 per unit. The increase will be effective at the beginning of the next fiscal year for each housing authority. See the July 5 Federal Register, No. 128, P. 25152.

#### IN CONGRESS

CIVIL RIGHTS - Indian News, Vol. 12, No. 15, August 5, 1988

The U. S. Senate has passed a bill which includes an amendment to bar the U. S. Civil Rights Commission from enforcing subpoenas issued in conjunction with the Commission's investigations of Indian tribal governments' enforcement of the Indian Civil Rights Act. The amendment offered by Senator Daniel Inouye (D-HI) prohibits the Commission from expending any of the funds appropriated to it for subpoena enforcement "until 60 days following the receipt by this Committee and the Select Committee on Indian Affairs of an opinion by the Comptroller General of the U.S. regarding the scope of authority and jurisdiction of the U. S. Civil Rights Commission over Indian tribal government officials pursuant to the Indian Civil Rights Act." Sen. Inouye said the Commission has been actively involved in







an investigative effort which many Indian leaders have become convinced is designed to establish that the governments of Indian tribes, and particularly the courts of Indian tribes, cannot be entrusted to protect the rights of Indian tribal members. He introduced into the record a letter from the Attorney General of the Navajo Nation notifying the Civil Rights Commission that the tribes had advised tribal officials subpoenaed by the Commission not to testify before it.

#### HUNGER PREVENTION ACT OF 1988

S. 2560, the "Hunger Prevention Act of 1988," passed the U. S. Senate July 26 and provides various food, nutrition and emergency assistance payments for food stamp recipients. Section 405 of the bill provides assistance to Indian tribal governments to conduct employment and training programs to get food stamp recipients, on or near federally recognized Indian reservations former reservations in Oklahoma, off welfare rolls. Funds would be paid directly to the Indian tribes by the Secretary of Agriculture. The bill now goes to the House for action.

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#### NEWS FROM ACROSS MONTANA

##### ROLAND KENNERLY APPOINTED TO ADVISORY COUNCIL ON AGING

Glacier Reporter, July 28, 1988

Governor Ted Schwinden has announced the appointments of Roland F. Kennerly, Browning, and Chris S. Johansen, Great Falls, and the reappointment of Stan Rogers, Billings to the Governor's Advisory Council on Aging.

Kennerly served as a member of the Montana House of Representatives from 1980-86 and recently left the Blackfeet Tribal Business Council after serving 20 years. He is currently the Area VII tribal elders program chairman. Kennerly succeeds Gertrude Werk of Hays on the council.

The governor's Advisory Council on Aging created by the legislature in 1983, is charged with making recommendations to the Governor concerning the needs of older Montanans. In addition to overseeing the annual Governor's Conference on Aging, the council has begun a two-year policy study of the long-term needs of older Montanans, entitled "Montana Aging Policy Perspectives: 1990".

##### BLACKFEET AND FLATHEAD RESERVATIONS JTPA PROJECT

Partnership In Equity, No. I September 1988

Blackfeet and Flathead Reservations were the sites of a model project called Prevocational, Motivational Vocational Awareness Program (Carl D. Perkins Grant) which joined with the tribal JTPA summer youth program.

The youth received paid work experience as well as group and individual vocational career testing, assessment and planning. Agreements were made with employers to allow youth participating to use work time for career and motivational training. These youth finished the summer equipped with knowledge about compatible work,



individual career skill assessment and information about future vocational career training and employment. (For more information call Rene Dubay 444-6565).

YELLOW ROBE GET TRIBUNE SCHOLARSHIP  
Great Falls Tribune, August 23, 1988

Lewis R. Yellow Robe, 1988 graduate of Great Falls High School, has been named the first recipient of a scholarship established by the Great Falls Tribune to encourage American Indians to embark on careers in journalism.

Yellow Robe of 112 12th St., S. was awarded \$1,000 to pursue his studies in journalism at the University of Montana. He will enroll as a full-time student in September after having attended summer school there through the Upward Bound program.

He graduated from GFH with a B average, was a member of the Symphonic Band and received a Heisey Award. He was an alternate for one of the school's 100th Anniversary scholarships.

The Tribune is cooperating with the UM Journalism School in a program established last year to help Indian students study for newspaper or broadcasting careers.

CROW PLAN TRUST FUND  
Billings Gazette, August 3, 1988 (In-Part)

If approximately \$30 million in protested coal taxes is released to the Crow Tribe, the bulk of money will probably be placed in a permanent fund, tribal officials have decided.

Chairman Richard Real Bird, the executive committee and other tribal officers were working out the details of the plan at a meeting Tuesday.

According to a spokesman for Real Bird, the fund will be modeled after Montana's coal tax fund. The principal will be used to generate perpetual income for the tribe and will not be available except by a two-thirds, secret-ballot vote of the tribal council.

In addition to the pending action on the permanent fund, the tribe has signed an agreement with the accounting firm of Ernst & Whinney to review its current controls and accounting systems and make recommendations for improvements.

SMITHSONIAN LOAN PIPE TO CHEYENNE  
Billings Gazette, August 3, 1988

A representative of the Smithsonian Institution in Washington, D.C., arrived in Billings Tuesday night with a ceremonial pipe sacred to the Northern Cheyenne Dog Soldier Society. The pipe, believed to have been taken from Chief Tall Bull's belongings after he was killed in an 1869 battle, will be loaned to the Dog Soldier Society for a ceremony Wednesday.







Sen. John Melcher, D.-Mont., and the Northern Cheyenne have been working to get the pipe permanently returned to the southeastern Montana tribe. "No matter how interesting it is to look at and study, it is just a curiosity to them (the Smithsonian)." Melcher said Tuesday in a telephone interview. "The facts are very clear that it means a whole lot to the Northern Cheyenne." The pipe was identified a few years ago by tribal members visiting Washington, D.C. They have asked for permanent return of the pipe.

Dean Anderson, undersecretary for the Smithsonian, said the museum is studying the request. In the meantime, the museum decided to make the pipe available to the Dog Soldiers Society for the ceremony, he said. Anderson said the pipe came to the museum in 1874. No information is available on what happened to it in the five years between Tall Bull's death and the Smithsonian's acquisition.

Anderson said the museum staff is trying to make sure that the pipe is actually the one that belonged to Tall Bull, whose descendants still live on the Northern Cheyenne Reservation. The scientist accompanying the pipe to Montana may get some insight into the pipe's identity and traditions. Anderson said he will be allowed to witness the Dog Soldiers' ceremony.

Melcher said he was pleased that the Smithsonian had "got down off its high horse" and agreed to lend the pipe. He said the museum had agreed a year ago to return the pipe on a permanent basis, and he believes it eventually will.

Anderson said that the loan of the pipe was a new process for the Smithsonian's Museum of Natural History and that its success could mean similar loans to other tribes. He said he saw the loan as an opportunity for the museum and the Indians to better understand each others' objectives for "materials from the past".

The following article is a follow-up to an article in the August Council Signals concerning, Geiger vs. Pierce

#### ATTENTION-GETTING CASE JUST CONFIRMS OLD LAW

Char-Koosta News, Vol.17, No. 12, August 10, 1988

A recent Montana Supreme Court decision has raised some eyebrows in Indian Country, in spite of the fact that the judges were properly following state, Tribal and federal law.

The eyebrow-raising doesn't come from the decision itself, wherein the court dismissed a case for lack of jurisdiction, saying Tribal courts are the proper forum for handling disputes concerning business transactions between Tribal members and non-Indians living on reservations - a principle of law that was first confirmed by the United States Supreme Court in 1971, and the Montana Supreme Court in its decision in Security State Bank vs. Pierre in 1973. The Pierre case comes from this Reservation and is virtually identical in fact and law to the Pierce case, Tribal attorneys note.

The concern is that, in the words of one of the judges, it looks like an Indian "used" the state judicial system to unfair advantage.

This just isn't so, says Evelyn Stevenson and John Carter, the Tribal attorneys assigned to appeal by the Tribal Council. (While individuals don't usually have





access to the Tribes' corporate attorneys, it was felt that in this case, the protection of Pierce's rights would ultimately protect the rights of all Tribal individuals. Tribal sovereignty, court authority, and the right of self-government were also involved.)

The state court had to dismiss the case because it clearly lacked "subject-matter jurisdiction", the two noted. the fact that the private legal counsel retained by the Tribal-member defendant didn't bring up that defense when the case first appeared in district court shouldn't be such a big issue, they say, because it can be raised any time during a proceeding. "Subject-matter jurisdiction goes on forever," Stegenson explained. "It's not a new law," Carter pointed out, citing as evidence two cases from the early '70s and two others from this decade. It's not even a disputable law, he said, or the July 14 dismissal wouldn't have been unanimous. Further, it's important to note that the dismissal doesn't mean the non-member can't have his day in court, he said. He just has to bring his case a few miles south of the Polson courthouse and argue it in Tribal Court in Pablo.

Tribal Court Chief Judge Don Dupuis said that non-members can expect justice from the Tribal forum. He didn't have specific figures handy, but said he knows the court has handled over \$200,000 in debt-related claims in the past year. Over 2,000 cases have been filed so far this year, he said, and a lot of non-Tribal members are receiving satisfaction on their complaints, provided their cases have merit.

#### NEW MACHINE SHOP WILL BENEFIT LOCAL COMPANIES

Glacier Reporter, August 25, 1988

A new machine shop is presently being constructed between the Blackfeet Indian Writing Company and Advertising Corporation of American (A.C.A.) buildings. According to Tom McKay, President of A.C.A. the shop will be moved from the Writing Company to the new building beginning the end of this month. The new shop will give the two companies the capabilities to construct and reconstruct their own machines.

Head machinist, Ray Scheulen will be assisted by two other full time machinists and another will be added in six months when his training is completed in Butte.

MaKay noted that the new shop may also be used to train local people who wish to enter the machinist field.

#### BLAZES OCCUPY INDIAN CREW

Great Falls Tribune, August 26, 1988

Montana's long, hot summer has kept Indian firefighting crews busier this year than last, a year that broke all previous records.

Last year, 105 north central Montana Indian crews of 19 people each fought forest fires, primarily in California and Oregon. So far this year, 114 Indian firefighting crews have been dispatched by the Lewis and Clark National Forest in Great Falls, with all but 15 of the crews fighting fires in Montana, said Dan Hjelvik, the forest's fire dispatcher.





Sixty-two crews were from the Blackfeet Reservation, 19 were from the Rocky Boy Reservation, 38 were from the Fort Belknap Reservation and nine were from Great Falls. In addition, a camp crew from Great Falls has been to three different fires. About one-fourth of the crews have been dispatched to another fire when they no longer needed for the fires they originally began fighting.

The statistics do not reflect the crews fighting the Lost Canyon fire on the Rocky Boy Reservation since they were not dispatched from Great Falls, Hjeltvik said.

Firefighting has brought millions of dollars in income to Montana's Indian reservations during the past several busy fire seasons.

#### BIA OFFICIAL TAKES TEMPORARY POST Billings Gazette, August 16, 1988

The Billings area director of the Bureau of Indian Affairs has accepted a temporary assignment to one of the top spots in the bureau for the next 120 days. Richard C. Whitesell will assume the post of deputy assistant secretary for trust and economic development on August 21.

He will supervise all trust responsibilities within the bureau including investments, realty, forestry, water, fish and wildlife, minerals, credit and appraisals. He will be one of four deputies under Ross Swimmer, assistant secretary of Interior of Indian Affairs.

During his absence, Mack Cole will be acting area director in Billings.

Whitesell said his goal for the 120 days detail to Washington, D.C., will be to help redefine government trust responsibility to the tribes. He said he also hopes to improve communications between offices in the field and Washington, D.C.

Whitesell has been area director of the Billings BIA office since 1983. He is a Sioux enrolled at Standing Rock Reservation in North Dakota.

#### HI-LINE TRIBES PLAN PURCHASE OF TRACTOR PLANT Great Falls Tribune, August 26, 1988 (In-Part)

The owners of Meissner Tractor Inc., formerly Big Bud, have reached a tentative agreement to sell controlling interest of their manufacturing plant to the Rocky Boy's and Fort Belknap tribes, to create a new company for defense and other government contract work. The plant would continue to manufacture four-wheel-drive tractors, and current employees would remain.

The architects of the deal, under discussion for months, foresee a firm that could garner up to \$40 million in defense work annually and employ perhaps 500 people.

David Harrison, senior adviser for the Council on Energy Resource Tribes based in Denver, said the tractor plant, which now employs six, "can again be one of the most significant employers on the Hi-Line."

Indians would have hiring preference, but non-Indians would not be excluded, officials said.



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## NEWS FROM THE COURTS

### ARIZONA GILA RIVER INDIAN COMMUNITY SUE FOR RETURN OF WATER Indian News, Vol. 12. No. 15, August 5, 1988

The Gila River Indian Community has notified more than 8,000 persons living along the Gila River in central Arizona that it is suing them for the return of its water. The community is asking the court to stop the upstream users from making diversions that are not allowed in a 1935 U. S. District Court decree.

### HIGH COURT TO DECIDE ON INDIAN TRIBAL ZONING RESTRICTIONS American Indian Report, Vol. 4, No. 8, August 1988

The U. S. Supreme Court has agreed to decide whether Indians can use tribal zoning laws to restrict land use by non-Indians within the boundaries of the reservation. The case involves the Yakima Indian Reservation in Washington State.

Last September a federal appeals court ruled that the Confederated Tribes and Bands Yakima Indian Nation has a legitimate interest in regulating and zoning "fee land" located on its reservation but owned mostly by individuals who are not tribal members.

The 9th U.S. Circuit Court of Appeals ruled that the tribe's interest in regulating "fee land" must be balanced against the interests of Yakima County and the federal government.

The suit was originally brought by two landowners who were restricted by the Yakima zoning ordinance. The landowners and Yakima County filed separate appeals.

Attorneys for the county argued that the appeals court ruling conflicts with past Supreme Court rulings limiting tribal authority over non-Indians.

### NAVAJOS' NEW TRAFFIC LAWS GENERATE DOUBTS AND CONTROVERSY American Indian Report, Vol. 4, No. 8, August 1988

A local justice of the peace has warned that the Navajo tribe may have problems enforcing tribal traffic laws that call for non-Indians to be tried in tribal court. In an interview with the Arizona Republic, Lois Sizemore, a Holbrook justice of the peace said she doubts that the new laws will be enforceable.

The new laws took effect last month on the 25,000 square mile reservation patrolled by tribal police. Indian courts do not have criminal jurisdiction over non-Indians and the Supreme Court has ruled that the tribes cannot have jurisdiction unless it is granted by Congress.

Navajo tribal attorneys contend that the law is legal because non-Indian motorists who are stopped will be asked to sign a waiver agreeing to accept the jurisdiction of the tribal court. The new laws also require motorists driving on the







reservation to use seat belts and child restraint seats. Motor cyclist must wear helmets.

The most controversial aspect of the new laws is the provision that allows livestock owners to be cited if their animals stray onto the road. The only fences on the reservation were put up by the Bureau of Indian Affairs and they no longer contain the livestock. Previously it was the driver's responsibility to watch out for wandering livestock.

#### SOUTH DAKOTA - STATE HAS JURISDICTION ON RESERVATION PUBLIC ROADS

The Lakota Times, August 9, 1988 (In Part)

South Dakota has the right to prosecute crimes committed on reservations if the crime occurs on a public highway, the state Supreme Court ruled Thursday, Aug. 4.

The state's high court upheld the drunken driving conviction of Dennis Onihan, a Sioux, who had appealed the conviction. Onihan had argued that the state had no jurisdiction in prosecuting him because the highway he was arrested on was inside reservation boundaries. According to court records, Onihan, a member of the Sisseton-Wahpeton Sioux Tribe, was arrested August 1986 by a state trooper in Day County.

In a unanimous decision, the Supreme Court relied on a 1961 state law which gave South Dakota the right to prosecute crimes which occur on public highways on reservations.

The court also cited a congressional law passed in 1953 which gave some states legal authority over tribal land. The law allows other states to decide on their own whether to take over responsibility for civil and criminal matters on reservations, according to court records.

#### CREEK BINGO EXEMPT FROM STATE TAX

American Indian Report, Vol. 4, No. 8, August 1988

The Supreme Court let stand a ruling that grants an exemption from state sales taxes to high stakes bingo games run by Indian tribes.

The court rejected an appeal by Oklahoma state officials seeking to impose the tax on revenue from bingo games run by the Muscogee Creek Nation. The 10th U. S. Circuit Court of Appeals ruled last September that the state could not force the tribe to collect and remit the state's 2.5 percent sales tax on the tribe's bingo operation.

The appeals court said the state's interest in collecting the tax is minimal. The appeals court also based its ruling in part on an earlier Supreme Court decision in a California case, which said state and local governments have no say over Indian-run gambling unless Congress gives them permission.





OKLAHOMA NON-INDIAN RUN BINGO OPERATION ON TRIBAL LAND MUST COLLECT TAX  
Indian News, Vol. 12, No. 14, July, 1988.

The Oklahoma State Supreme Court has ruled that a non-Indian corporation operating bingo and concessions on tribal land must collect and remit sales tax to the state from its operation. The court found that the corporation, Enterprise Management Consultants, Inc. (EMCI), failed to prove it was the tribe's agent and was therefore different than the recent federal case involving the Creek Nation where the operator was found to be a tribal enterprise. EMCI operates bingo on Citizen Potawatomi tribal land and the two parties have been in and out of Federal court for a number of years.

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HEALTH ALERT

LUNG DISEASE LINKED TO ASBESTOS USED IN JEWELRY MAKING  
American Indian Report, August 1988

The use of asbestos to make silver jewelry and to whiten moccasins for ceremonial dances is responsible for an outbreak of a rare form of lung cancer among New Mexican Indians, according to the U.S. Public Health Service.

The PHS found that the incidence of malignant mesotheliom, a form of lung cancer associated with asbestos, was 1,000 times higher than expected at one New Mexican pueblo. Five people, all from the same village, had the disease between 1970 and 1985. Four of the five were silversmiths. They used asbestos mats to insulate their work area against the heat of torches and molten metal.

All five participated in ceremonial dances and used asbestos to whiten their buckskins and moccasins.

The PHS researchers said they are educating the Indians about the hazards of asbestos and they are looking for alternative materials for silversmiths and ceremonial dancers.

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ANNOUNCEMENTS - CONFERENCES

THE FOLLOWING TWO ANNOUNCEMENTS WERE SENT BY ROGER J. MEREDITH, CHIEF FARM PROGRAMS.

FmHA's OUTREACH PROGRAM

A direct Farmers Home Administration (FmHA) loan program has been created by the U. S. Department of Agriculture (USDA) to assist eligible individuals in the purchase of real estate.

The new loan authority is an outreach program which establishes a priority to minorities when loan funds are limited. Emphasis will also be placed on the sale





of FmHA inventory properties to minorities who are interested in expanding their agricultural operation or establishing one.

interested persons may obtain additional information from local FmHA county offices servicing the area. Telephone numbers and addresses are identified in the telephone directories. In most cases, county FmHA offices are co-located with other USDA agencies.

FmHa is a rural credit agency of the U. S. Government serving the needs of borrowers unable to secure acceptable credit elsewhere. Every county in Montana is serviced by the agency through 24 county offices, 4 district offices and the state office.

#### CO-OP EDUCATION PROGRAM

A CO-OP Education program for undergraduate students is available through the Farmers Home Administration (FmHA).

The CO-Op Education program provides an opportunity to enhance education with productive work experiences. Through this interaction, students have the opportunity to improve their professional goals and enhance their academic knowledges through paid work experiences.

FmHA is a rural credit agency of the U. S. Government serving the needs of borrowers unable to secure acceptable credit elsewhere. Every county in Montana is serviced by the agency through 24 county offices, 4 district offices and the state office.

Persons interested in learning more about the Co-op Education program may contact Robert S. Leigland, Administrative Officer, Farmers Home Administration, P. O. Box 850, Bozeman, MT 59771 or by calling him at 587-6789.

#### 26th Annual National Championship Pow-Wow

September 9, 10, 11, 1988, 2602 Mayfield Rd, Grand Paririe, Texas (214-647-2331)

#### Northern Plains Tribal Art Fair, Sioux Falls, SD

September 23 - 25, 1988, Contact Shirely Bordeau, (605)334-4060.

#### North Dakota Indian Education Conference.

October 12 - 14, 1988, Contact Dennis Blue (701)224-2250.

#### National Congress of American Indians 45 Annual Convention

October 24 - 28, 1988, Contact NACI, (202)546-9404

#### 20th Annual National Indian Education Conference.

November 13 - 17, 1988, Contact Donna Rhodes (918)665-0595

The Status of Native American Victims of Crime and The 14th Annual North American Victim Assistance Conference, September 13 - 17, 1988, Contact Tracye Burnett (202)393-6682





Coors Indian National Finals Rodeo, November 17 - 20, 1988, Albuquerque's Tingley Coliseum, New Mexico State Fairgrounds. Contact, Chris Taggart (505)265-7915.

Tenth National Indian/Alaska Native Health Conference, October 31 - November 3, 1988, Mobile, Alabama (303)394 3500 .

Water Marketing. The University of Denver College of Law's Natural Resources Program and Watershed West, October 6 and 7, 1988, Contact Water Marketing Conference University of Denver College of Law, 7039 E. 18th Ave., Room 140, Denver Co. 80220.

4th National Miss Indian USA pageant, June 25 - July 4, Washington, D.C., call (202)Indians.

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GRANTS - PUBLICATIONS AVAILABLE

NATIONAL WATER PROJECT:

HAC News

The National Water project has received one-year grant from FmHA to provide technical assistance to communities that are seeking FmHA grants and loans to build water/wastewater systems. Contact Edwin Cobb, NDWP, 602 S. King St., Suite 402, Leesburg, VA 22075, (703)771-8636.

DEPT. OF EDUCATION LIBRARY PROGRAM

American Indian Report, August 1988

The Department of Education is inviting applications for new awards under the Library Career Training Program, Library Services and Construction Act Basic Grant to Indian Tribes and Hawaiian Native programs and Special Grants to Indian Tribes and Hawaiian Native Programs.

The application deadline for Indian programs is October 21. The application deadline for special grants is April 7, 1989.

For applications or information contact Frank A. Stevens, Director, or Beth Fine, Program Officer; Library Development Staff, Library Programs; U. S. Dept. of Education; 555 New Jersey Ave., N. W., Room 402L; Washington, D.C. 20208-1430. (202)357-6315.

OVC TO AWARD DISCRETIONARY GRANT

American Indian Report, August 1988

The Office of Victims of Crime published a notice in the July 21 Federal Register announcing a \$1 million discretionary grant program aimed at providing assistance to Native American Indians who are victims of crimes in Indian Country that falls under the jurisdiction of the federal government.

(NOTE: Montana's Board of Crime Control is in the process of completing this application for Montana - Contact this office for further information 444-3702)



GRANT PROPOSALS BIG SKY CHAPTER OF THE MARCH OF DIMES  
The Billings Gazette, August 20, 1988

The Montana Big Sky Chapter of the March of Dimes Birth Defects Foundation is seeking proposals for grants to fund projects related to prevention of birth defects and improving the outcome of pregnancy. The grants may be used for medical services and public health education. October 1 is the deadline for submitting proposals for grants of less than \$4,999. Grant applications and further information are available from the Big Sky Chapter of March of Dimes, 7 East Airport Road, Billings, Montana 59105, telephone 252-7480. Grants exceeding \$4,999 require approval from national March of Dimes headquarters. Get in touch with the state office in Billings for more information.

WHITE ANTELOPE SCHOLARSHIP  
Winds of Change, Summer 1988

The University of Colorado at Boulder Financial Aid Office and Chancellor Jim Corbridge have funded a new White Antelope Scholarship to provide \$70,000 in aid for Native American students at CU this fall. White Antelope was a Cheyenne chief and one of the 175 people killed by American cavalry men in Colorado's Sand Creek Massacre in 1864.

White Antelope was one of the names favored by activists for the former Nichols Hall dormitory. The dormitory is without a name; the Board of Regents agreed to remove the name of Capt. David Nichols from the hall after learning of his part in the Sand Creek Massacre.

Scholarship recipients must be Native Americans who need financial aid, have good grades, and are active in student affairs or Native American issues.

GUIDELINES FOR MATERNITY CARE AVAILABLE FROM HRSA  
American Indian Report, August 1988

Guidelines to help state Medicaid and maternal and child health agencies formulate standards for maternity care were produced by the Association of Maternal and Child Health Programs with the assistance of the State Medicaid Directors Association.

The publication, "Maternal and Infant Health Guidelines," is being distributed by the HRSA to state health officers, state Title V agencies and other maternal and child health related programs.

A copy of the publication may be obtained from Dr. Ann Koontz, Office of Maternal and Child Health, Room 6-49, 5600 Fisher Lane, Rockville, MD. 20857.  
(301)443-5720.





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POSITION AVAILABLE

Director, North American Indian Alliance, 303 W. Silver, Butte, MT 59701, Contact Aaron Perry, (406)782-0461, Deadline Sept. 15, 1988.

Secretary II, Grade 8, Department of Agriculture, Deadline Sept. 15, 1988, Contact 406-444-3144, or your local Job Service.

Gifted & Talented/Elementary Education Specialist, Grade 16, Deadline Sept. 30, 1988. Contact Curriculum Services 406-444-3095.

University of Montana, Marketing, tenure-track position beginning Sept. 1989, contact Mary L. Hall, Administrative Assistant, Depts. of Accounting/Financing & Management, School of Business Administration, University of MT, Missoula, MT 59812

University of Montana, tenure track Assistant/Associate Professorship beginning Fall 1989 in the Department of Mathematical Sciences, Contact 406-243-5311.

Washington State University, Associate Director Seattle Center for Hotel and Restaurant Administration, Deadline December 16, 1988, Contact Dr. Terry Umbreit, Director, Hotel and Restaurant Admin. 245D Todd Hall, Washington State Univ., Pullman, Washington 99164-4724

Development Coordinator, WSU Spokane, Washington State University, Deadline October 1, 1988, contact 509-456-3275

THE FOLLOWING POSITIONS ARE AVAILABLE AT THE SMITHSONIAN INSTITUTE IN WASHINGTON, DC. FOR FURTHER INFORMATION DIAL-A-JOB 24 HOURS A DAY 202-357-1450 or 1452.

Exhibits Specialist General  
Exhibits Specialist Anacostia Museum  
Computer Operator, Museum Shops  
Photographer, National Portrait Gallery  
Museum Specialist (Zoology)  
Museum Specialist (Geology)  
Museum Specialist (Anthropology)  
Museum Technician - Natl. Museum of Natural History  
Museum Aid, Printing & Photographic Services  
Historian, Joseph Henry Papers  
Accounting Technician, Museum Shop  
Attorney-Adviser, Office of General Counsel  
Educational Aide, National Portrait Gallery  
Museum Registration Assistant, Natl. Air & Space Museum  
Director, Folklife Programs  
Procurement Assistant, Mail Order Division





INDIAN CHILD WELFARE SEMINAR: A NEW DIRECTION

TIME: OCTOBER 26 - 28, 1988

PLACE: VOC-TECH CENTER  
GREAT FALLS, MT

THEME OF CONFERENCE: Native American culture is characteristic of the extended family. The theme of our conference is to insure preservation of that extended family concept, thusly insuring the survival of Native American Culture.

GOAL OF CONFERENCE: To insure the Native American concept of extended family.

OBJECTIVES OF CONFERENCE: Create an awareness of the well being of the Indian child and his relationship to the extended family concept.  
  
Identify needs of the Native American Child in order to perpetuate the extended family concept.

V.I.P SPEAKERS - LEGISLATIVE PANEL - GROUP PARTICIPATION

FOR ADDITIONAL INFORMATION ON THE CONFERENCE CONTACT FRED BUCKLES, OR PAT MAKI  
AT THE GREAT FALLS NATIVE AMERICAN CENTER 406-761-3165

